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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/817,946	03/26/2001	David Allen Faudman	FAUDMAN	9849

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Risto A. Rinne, Jr.
2173 EAST FRANCISCO BLVD.
SUITE E
San Rafael, CA 94901

EXAMINER

PARDO, THUY N

ART UNIT	PAPER NUMBER
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2175

DATE MAILED: 03/30/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/817,946

Applicant(s)

FAUDMAN, DAVID ALLEN

Examiner

Thuy Pardo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's Amendment filed on January 13, 2004 in response to Examiner's Office Action has been reviewed.

2. Claims 1-33 are presented for examination.

3. It is noted that the cited reference US 2002/0046077 is a continuation of the Parent Application No. 09/477,573. Examiner believes that since it is a continuation of the Parent application, there are no differences between the Parent application and the cited reference, except the claims. Therefore, the use of the parent reference for this rejection is relevant.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-33 are rejected under 35 U.S.C. § 102(e) as being anticipated by Mozayeny et al. (Hereinafter "Mozayeny") US Patent Application Publication No. US 2002/0046077.

As to claim 1, Mozayeny teaches the invention substantially as claimed, comprising:

(a) a database [MLS, 16 of fig. 2] that is accessible by connection to an area network [100 of fig. 2];

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(b) means for sharing MLS property information between a first real estate agent and a client [listing agent 12 communicates with the buyer 5 through the automated communication path 50, see fig. 2; 0041 on page 4]; and

(C) means for sharing MLS property information between said first real estate agent and a second real estate agent listing agent communicates with the showing agent [listing agent 12 communicates with the showing agent 18 through the appointment server 100, see fig. 3; 0041 on page 4].

As to claim 2, it is similar to claim 1; therefore, it is rejected under the same rationale.

As to claim 3, Mozayeny teaches the invention substantially as claimed. Mozayeny further teaches means for periodically updating said database with current MLS information [modify listings for property, 0047 on page 4].

As to claim 4, Mozayeny teaches the invention substantially as claimed. Mozayeny further teaches that said real estate agent is provided access to said system subsequent to the payment of a fee [0046 of page 4; 0076 of page 8].

As to claim 5, Mozayeny teaches the invention substantially as claimed. Mozayeny further teaches that said client is provided access to said system subsequent to said client electing to work with said first real estate agent whereby said client must first agree to have said first real

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estate agent represent said client by accepting an online "Client Commitment" [purchase agreement, 004 of page 4; fee agreement, 0046 of page 4] .

As to claim 6, Mozayeny teaches the invention substantially as claimed. Mozayeny further teaches said first real estate agent includes one of a plurality of real estate agents, each of whom are included in said database as a current subscriber [0063 of page 6].

As to claim 7, Mozayeny teaches the invention substantially as claimed. Mozayeny further teaches that said system is adapted to maintain a file of favorite properties that are selected by said client [listings that he or she desires to show to a potential buyer, 0058 of page 6].

As to claim 8, Mozayeny teaches the invention substantially as claimed. Mozayeny further teaches that said system provides updates to said client regarding a change in status of any of said favorite properties [0067 of page 7].

As to claim 9, Mozayeny teaches the invention substantially as claimed. Mozayeny further teaches that said client includes a prospective seller of a real estate property [seller 10 of fig. 3].

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As to claim 10, Mozayeny teaches the invention substantially as claimed. Mozayeny further teaches that said client includes a prospective buyer of a real estate property [buyer 5 of fig. 4].

As to claim 11, Mozayeny teaches the invention substantially as claimed. Mozayeny further teaches that said first agent includes a plurality of first agents [0031 of page 3; 0053 of page 5].

As to claim 12, Mozayeny teaches the invention substantially as claimed. Mozayeny further teaches that said first agent includes a listing agent of a real estate property [0045, 0046 of page 4].

As to claim 13, Mozayeny teaches the invention substantially as claimed. Mozayeny further teaches that said system is adapted to provide to said client a graph of a percentage of real estate properties that are currently in escrow as compared with a total number of real estate properties that are offered for sale in a predetermined geographical area [0073-0074 of page 7-8].

As to claim 14, Mozayeny teaches the invention substantially as claimed. Mozayeny further teaches that said system is adapted to provide to said client a listing of comparable properties selected by the listing agent that have sold with a property that is offered for sale [0073-0074 of page 7-8].

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As to claim 15, Mozayeny teaches the invention substantially as claimed. Mozayeny further teaches that said system is adapted to provide to said first agent access to any of the features that are available to said client [0078 of page 8].

As to claim 16, Mozayeny teaches the invention substantially as claimed. Mozayeny further teaches that said first agent is a listing agent for a real estate property that is offered for sale and wherein said first agent is adapted to post to said system a list of comparable properties with respect to said real estate property [0074 of page 8].

As to claim 17, Mozayeny teaches the invention substantially as claimed. Mozayeny further teaches that said first agent is able to view a favorite properties file of said client [0057 of pages 5-6].

As to claim 18, Mozayeny teaches the invention substantially as claimed. Mozayeny further teaches that said first agent is able to view a listing of the most recent properties that are for sale that have been viewed by said client [buyer 5 may wish to view the properties, 0058 of page 6; 0083 of page 9].

As to claim 19, Mozayeny teaches the invention substantially as claimed. Mozayeny further teaches that said first agent is able FAX to said system a disclosure of property defects, and wherein said disclosure of property defects is available for viewing by said second real estate agent [facsimile 628, 0051 of page 5].

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As to claim 20, Mozayeny teaches the invention substantially as claimed. Mozayeny further teaches that a client commitment form is made available to said client upon an initial login that is required for both buyers and sellers to complete in order for said client to gain access to said system [a member identification number along with a password, 0046 of page 4].

As to claim 21, Mozayeny teaches the invention substantially as claimed. Mozayeny further teaches that an agent is able to view a saved property search criteria of said client [0041 of page 4; 0083 of page 9].

As to claim 22, Mozayeny teaches the invention substantially as claimed. Mozayeny further teaches means for alerting an agent when said client registers on said system [0052 of page 5].

As to claim 23, Mozayeny teaches the invention substantially as claimed. Mozayeny further teaches transmittal of an email to said agent [626 of fig. 6].

As to claim 24, Mozayeny teaches the invention substantially as claimed. Mozayeny further teaches that said client selects said agent to represent said client [inherent in the system, showing agent, 18 of fig. 1]

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As to claim 25, Mozayeny teaches the invention substantially as claimed. Mozayeny further teaches that said means for alerting includes transmittal of an email to said agent [626 of fig. 6].

As to claim 26, Mozayeny teaches the invention substantially as claimed. Mozayeny further teaches that said system serves as a clearinghouse for a listing agent to input information regarding an upcoming listing prior to said listing being placed in said MLS service and for at least one other agent to retrieve said information prior to said listing being placed in said MLS service [0036 of page 3].

As to claim 27, Mozayeny teaches the invention substantially as claimed. Mozayeny further teaches that said client is a client of said agent subsequent to said client accessing said system [0003 of page 1].

As to claim 28, Mozayeny teaches the invention substantially as claimed. Mozayeny further teaches transmitting an email to said agent [fig. 5, 6].

As to claim 29, Mozayeny teaches the invention substantially as claimed. Mozayeny further teaches that said system is adapted to provide to said listing agent a report showing how many times the listing was viewed on-line by another user of said system and how many times the listing was saved to a "favorites file" of said another user [0083 of page 9]..

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As to claim 30, Mozayeny teaches the invention substantially as claimed. Mozayeny further teaches that said listing agent is provided with the identity of an agent representing said another user [fig. 5].

As to claim 31, Mozayeny teaches the invention substantially as claimed. Mozayeny further teaches that said listing agent is provided with information if the agent viewed and saved the listing in said "favorite file" [0083 of page 9].

As to claim 32, Mozayeny teaches the invention substantially as claimed. Mozayeny further teaches that said listing agent is provided with information if said another user viewed and saved the listing in said "favorite file" [0083 of page 9].

As to claim 33, Mozayeny teaches the invention substantially as claimed. Mozayeny further teaches that said first agent includes a listing agent and wherein said system is adapted to provide to said listing agent a comparison of activity regarding a listing that is posted to said system by said listing agent as compared with the activity of other listings in a predetermined area and price range that are comparable with said listing [0074, 0075 of page 8].

Response to Arguments

5. Applicant argues that "No MLS data is shared between the agent and client or even between agents in the system of Mozayeny et al.".

As to point this, Examiner respectfully disagrees. It is noted that this feature is taught by Mozayeny. Mozayeny teaches listings of properties in MLS, such as: property address, type of

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property, style of home, price, bedrooms, baths, status, pictures...etc [see 602-620 of fig. 6], and the MLS data is shared between the agent and client or even between agents [see the communications between the listing agent 12, the showing agent 18, and the seller 10 of figs. 1-4].

Applicant argues that Mozayeny does not teach changing in "showing status".

Examiner respectfully disagrees. Mozayeny teaches the status of the new listing [616 of fig. 6] and automatically updating status information if the listing remains on the system [0051 of page 5].

Applicant argues that Mozayeny does not teach that the client is unable to select a list of favorites for the agent to view that list.

Examiner respectfully disagrees. Mozayeny teaches that the potential buyers may be able to locate property listings and communicate with the sellers for appointment scheduled scheduling and actual showings using the automated feedback mechanism [0080 of page 8].

Applicant argues that Mozayeny does not require any sort of a client registration.

Examiner respectfully disagrees. Examiner believes that the requirement of registration from client to the system is inherent in the system in order to allow the communications between the buyers and the sellers in the secure MLS system.

6. Applicant's arguments filed on January 13, 2004 have been fully considered but they are not persuasive.

Conclusion

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7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy Pardo, whose telephone number is (703) 305-1091. The examiner can normally be reached Monday through Thursday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici, can be reached at (703) 305-3830.

The fax phone number for the organization where this application or proceeding is assigned are as follows:

(703) 872-9306 (Official Communication)

and/or:

(703) 746-5616 (*Use this Fax#, only after approval by Examiner, for "INFORMAL" or "Draft" communication. Examiner may request that a formal/amendment be faxed directly to then on occasions*).

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Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

9. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

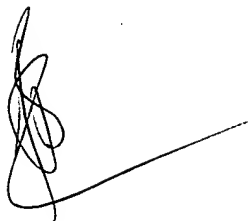
or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 308-5359, (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121
Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

A handwritten signature in black ink, appearing to be 'Thuy Pardo', with a long horizontal line extending to the right.

Thuy Pardo
March 26, 2004